

**TOWN OF DAVIE
WORKSHOP MEETING
APRIL 21, 2004**

The meeting was called to order at 5:10 p.m. and recessed until 5:20 p.m. due to audio problems with the computer. Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley and Hubert. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Councilmember Starkey was absent.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to excuse Councilmember Starkey. In a voice vote, all voted in favor. (Motion carried 4-0)

Mayor Truex asked if anyone wished to speak on the noise issue.

Councilmember Crowley asked Planning and Zoning Manager Fernando Leiva if work could be done on Sundays under the existing Code. Mr. Leiva responded in the affirmative as long as there was not much noise. Councilmember Crowley asked how this would be monitored. Vice-Mayor Paul opined that residents would probably call to complain about noise if they heard it on Sundays. Mr. Leiva suggested that staff could be trained and certified to enforce the Code concerning noise on weekends.

Councilmember Hubert asked how loud 80 decibels was. Assistant Town Administrator Ken Cohen compared that level with airport noise.

Mayor Truex inquired about commercial lawn maintenance.

Vice-Mayor Paul felt that the representatives of the construction community needed to be heard. She wanted to find a balance between the resident's concerns and the worker's ability to work more hours in order to complete their project.

Discussion followed on whether the limitations applied to power tools.

Kevin Ratterree, Vice President of GL Homes, opposed the proposed ordinance because he felt it affected builders and homeowners. He indicated that he had brought an acoustical engineer to address Council on this issue.

Gary Seabine, an environmental acoustic engineer, spoke about the unique characteristics of construction noise. He stated that construction activity being done fell within the Code's noise ordinance requirements. Mr. Seabine explained levels of decibel noise with regard to different tools and stated that it was very difficult to adapt noise abatement approaches to construction activities.

Mayor Truex felt the proposed change appeared to be less restrictive than the current ordinance. Mr. Leiva clarified that a builder could go above the 80 decibels with a special permit restricting noise to a specified duration of time. He further clarified differences between the proposed change and existing Code.

Mayor Truex asked how much noise workers needed to make. Mr. Seabine responded that the 80 decibels was reasonable when it was considered for the daily purity of operation.

Mayor Truex asked about the noise levels listed for Pembroke Pines. Mr. Ratterree indicated that the ordinance was not intended to apply to the construction industry.

Brandon Beaderman, government affairs director for the Broward County Builders Association, indicated that the way the ordinance was drafted cut work time by 40% per week. He stated that a recent poll of members indicated that many people were opposed, as the proposed ordinance would delay completion of homes, which increased costs to residents paying for interim homes while their homes were being built. Mr. Beaderman advised that during the summer hours, work crews were asked to work in the twilight hours to make up for hours during the day when it was too hot to work.

Mr. Bartlett, 4301 SW 105 Avenue, spoke about his community's efforts to work with their developer regarding its hours of operation. He believed no one should be able to develop at the expense of someone else.

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Jill Cohen felt that if construction were eliminated on the weekends, then enforcement would not be much of an issue. She refuted comments made earlier by members of the construction industry and asked that a compromise be made so all parties could live with the approved ordinance.

Mayor Truex asked Mr. Ratterree if the workers could work on the inside of homes during the weekend. Mr. Ratterree explained the phases of development of the project and stated that the major amount of time involved outdoor work. He stated that not working on weekends was not feasible for the construction industry.

Vice-Mayor Paul asked Mr. Ratterree if his argument was a moot point because the project was nearly completed. Mr. Ratterree indicated that the argument was relevant because the builder may want to develop an additional piece of property in the future.

Mayor Truex closed the public meeting.

Mayor Truex felt that the existing Code needed to be better enforced.

Vice-Mayor Paul felt there needed to be a happy medium between residents' concerns and builders' work schedule. She asked if the Town was prepared to hire additional staff for enforcement. Mayor Truex felt it might be accomplished through cost recovery.

Vice-Mayor Paul felt operation conditions should be examined during the site plan process. Mayor Truex stated that there should be a component included which indicated how developers would address noise on building projects. Vice-Mayor Paul felt that construction should be halted on Sundays and holidays. Councilmember Crowley felt that there was still a potential for a problem with enforcement. He agreed with Vice-Mayor Paul that operation conditions for building projects should be addressed during the site plan process.

Mr. Willi felt the proposed ordinance needed to be amended to include language regarding hours of operation as suggested by Council. He felt special restrictions regarding proposed projects should be stated in the development order that was part of the site plan approval process.

Councilmember Hubert felt work should not be permitted on Sundays as it was hard on families.

Mayor Truex felt these proposals would drive up the cost of construction. He indicated that he was not as concerned when the construction work was done as long as it was not noisy. He wanted to see the Town do better enforcement on the weekends. Mayor Truex felt it was unreasonable to penalize the builders for indoor noise that may not be heard. He was against making new laws when there was an option to enforce existing laws.

Mayor Truex stated that residents could contact Mr. Willi to review any drafts being prepared on this issue.

There being no further business to discuss and no objections, the meeting was adjourned at 6:13 p.m.

Approved_____

Mayor/Councilmember

Town Clerk